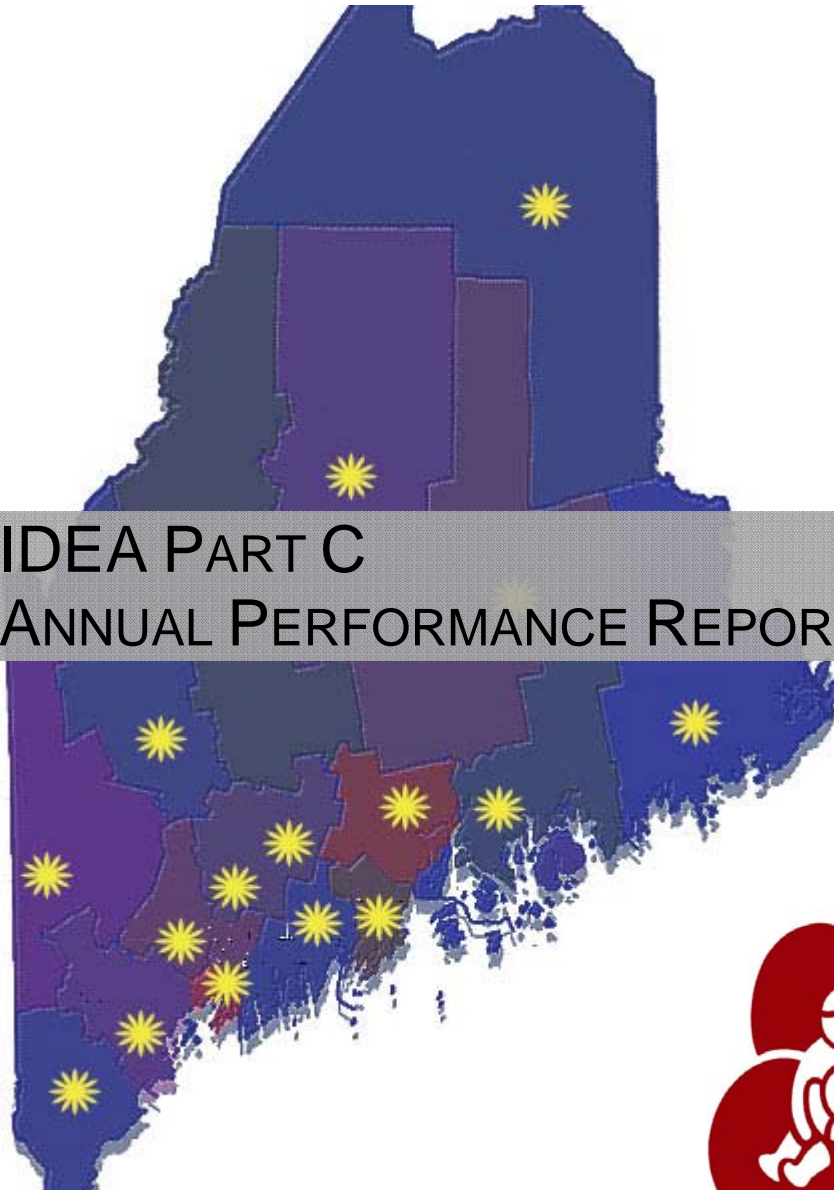


Original submission February 1, 2011

**Maine**

**FFY  
2009**

# IDEA PART C ANNUAL PERFORMANCE REPORT



July 1, 2009 – June 30, 2010

Child Development Services

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## Part C State Annual Performance Report (APR) for FFY2009

The APR that follows presents the indicator performance in a consistent design that will enable the reader to follow the discussion and quickly determine specific details of the report. The indicators are presented on the OSEP defined template design for the APR for most indicators. In order to highlight key aspects of the report, color and font selections were used for specific data and passages. The chart below provides a legend for the formats used throughout the document.

### Legend

<i>Measurable and Rigorous Target data are presented in each indicator in this style (Arial, 10 pt, purple, italic)</i>	
Actual performance/compliance data for FFY 2009 are presented in each indicator in this font style (Arial, 10 pt, blue)	
Statement from the Response Table	State's Response
OSEP's Response Letter and Table, received June 2010, requested a specific response in Maine's February 1, 2011 APR for certain indicators. Responses are presented in side-by-side tabular form for each indicator requiring a response. (Times New Roman, 11 pt)	Maine's response will appear in the typical font used in the body of the report narrative (Arial, 12 pt).

Several indicators update SPP Improvement Activities. Those changes are described in the "**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:**" section of the indicator narrative and have been edited into the SPP. The APR and the updated SPP will be posted on the Maine Department of Education website located at URL <http://www.maine.gov/education/speced/spp/index.html> by February 11, 2011.

## Part C State Annual Performance Report (APR) for FFY2009

### Overview of the Annual Performance Report Development

This APR is the fifth report of the progress toward the targets established in the State Performance Plan (SPP) on December 2, 2005. This APR represents the progress towards the Measureable and Rigorous Targets established in the SPP for all indicators. Child Development Services (CDS), the governmental entity that serves as an Intermediate Educational Unit (IEU) of the Maine Department of Education (MDOE), provides data and analysis for all of the Part C indicators and some of the Part B indicators due to the symbiotic nature of CDS' relationship with the MDOE, described in state statute: The MDOE Commissioner "shall establish and supervise the state intermediate educational unit. The state intermediate educational unit is established as a body corporate and politic and as a public instrumentality of the State for the purpose of conducting child find activities as provided in 20 United States Code, Section 1412 (a) (3) for children from birth to under 6 years of age, ensuring the provision of early intervention services for eligible children from birth to under 3 years of age and ensuring a free, appropriate public education for eligible children at least 3 years of age and under 6 years of age." MRSA 20- A§7209.1.E (3)

### Stakeholder Group Activities

Maine Advisory Council on the Education of Children with Disabilities (MACECD) is the stakeholder group that provides guidance and support to the MDOE in the implementation of the SPP. As a group of dedicated volunteers, with the best interests of children with disabilities ages birth through 20 in mind, the council started its 2009-2010 School Year with a planning meeting. The council was asked by the MDOE to review the APR and SPP with a critical eye and determine the steps needed to ensure accurate and adequate service delivery to the children receiving Early Intervention and Special Education Services in the State of Maine. Progress on the APR is shared with MACECD monthly.

An early task in MACECD's planning meeting was the reseating of four committees to concentrate on specific sub-sets of the indicators for the year: Due Process and Quality Assurance Monitoring (B-15 through B-20, C-9 through C-14); Early Transition (C-2 through C-8, B-6 and B-12); Student Performance (B-1 through B7, B-14); and Evaluation, Services and Treatment (C-1, C-7, B-8 through B-10). MACECD's monthly agenda includes items for the MACECD membership as well as committee breakout sessions. The committees assess data and make advisory recommendations to the Commissioner of Education on unmet needs from the committees' respective subject areas. The recommendations are addressed and integrated into the operations of the MDOE (program review, dispute resolution, funding, technical assistance, professional development, and discretionary programs) to improve support to special education students statewide. Additionally the Early Transition committee of MACECD is tasked with review and critique of the Part C APR for final approval by the full group.

## Child Development Services System Changes

CDS has undergone significant structural, fiscal, and human resource changes as a result of legislative action in each year since 2006. A structural analysis of these changes was included in the APR submitted for FFY2006. This structure of CDS has remained relatively unchanged for the past year which has lead to increased stability. Stability, however, in no way intimates status quo for this system. The system has faced a number of challenges during the past year and has emerged more nimble and more resilient. For example, during FFY2009;

- The centralization of the fiscal process for the system received a clean audit for all regional sites and for the Child Development Services State Intermediate Educational Unit (CDS State IEU).
- The Case-e data system has undergone continuing improvements which support CDS State IEU ongoing oversight of the interrelationship of the fiscal, data, and monitoring systems and supports data gathering for the APR.
- The CDS website has added a section on the Birth to Twenty (B-20) General Supervision System (GSST) which serves as an emerging representation of the intricacies of the system (<http://www.maine.gov/education/speced/gsst/index.html>).
- The web based system for applications of Local Entitlement Plans was revised to reflect regional site corrective action plans (CAPs) with inclusion of goals to reflect work toward closure of the CAPs.
- The Targeted Technical Assistance and Professional Development Calendar of Events has merged and is now a part of the website fostered and designed by the Expanding Inclusive Opportunities Initiative (<http://www.umaine.edu/ExpandInclusiveOpp/default.htm>) which is a joint venture of MDOE and Maine's Department of Health and Human Services (DHHS).
- A training committee comprised of regional representatives and CDS State IEU personnel meet monthly to discuss areas of training needed through out the system. From these conversations, trainings are provided in varied modalities. This committee assists in determining the professional development needs of the system and serves as an oversight committee for the expenditure of Part C ARRA funds.
- Collaboration with other state agencies was enhanced by the work of representatives from MDOE/CDS and DHHS to create a revised Interagency Agreement that is in effect as of October 15, 2010. (<http://www.maine.gov/education/speced/cds/documents/Interagencyagreement2010.pdf>)
- A team comprised of CDS State IEU personnel and representatives from the field completed work on a revision of the state-mandated IFSP form and accompanying guidance materials. (<http://www.maine.gov/education/forms/specialservices/progreview/ifsp.doc>)
- The Birth to 20 General Supervision System Team (GSST) utilized the Part C Critical Elements Analysis Guide (CrEAG) to review the system plan. This review has led the team to focus on refinements and institutionalization of the system.
- Year 4 site monitoring was completed for all regional sites with a completion date of June 30, 2010.
- Administrative and Informational Letters were developed to provide policy direction. (<http://www.maine.gov/education/speced/cds/adminlett.html>)

- The CDS system reorganized from 15 regional sites to nine to respond to fiscal curtailments at the state government level. A committee with representatives from the CDS advisory board and regional sites completed work on the reorganization in May 2010 and the changeover was effective as of July 1, 2010.  
(<http://www.maine.gov/education/speced/cds/sites/reorg.html>)
- CDS added a part-time Part C Technical Advisor (TA) position July 1, 2009 with ARRA funds. This position  
([http://www.maine.gov/education/speced/cds/jobs/documents/part\\_c\\_technical\\_advisor.pdf](http://www.maine.gov/education/speced/cds/jobs/documents/part_c_technical_advisor.pdf)) was moved to full time July 1, 2010 as part of the reorganization initiative.
- CDS added a full time Part B Technical Advisor (TA) position  
([http://www.maine.gov/education/speced/cds/jobs/documents/part\\_b\\_technical\\_advisor.pdf](http://www.maine.gov/education/speced/cds/jobs/documents/part_b_technical_advisor.pdf)) effective July 1, 2010 as a part of the reorganization initiative. One goal for this individual is to work with the Part C TA to support transition from Part C to Part B.
- CDS added a central referral coordinator position  
([http://www.maine.gov/education/speced/cds/jobs/documents/central\\_referral\\_coordinator.pdf](http://www.maine.gov/education/speced/cds/jobs/documents/central_referral_coordinator.pdf)) as of July 1, 2010 as a result of the reorganization initiative and the work on the interagency agreement with DHHS.

### Public reporting

Data profile designs based on the 2008-2009 performance and compliance data were developed for each School Administrative Unit (SAU) in the state. The profiles provide indicator specific performance and compliance data to the SAU and to the public for use in program improvement. SAU determinations were distributed to the field with guidance including an informational letter and webinar.

The SAU profiles are used as the basis for determinations of SAU program performance. Select SPP indicators are evaluated for compliance and each SAU is provided with measurement specific feedback on their implementation of IDEA. The data is then used to develop an overall determination: Meets Requirements; Needs Assistance; Needs Intervention; or Needs Substantial Intervention. These determinations set the level of support and intervention provided by the state as well as define areas of required action and follow up under the General Supervision System (discussed further in indicator C9, beginning on page 43).

During the FFY2009 year, all 15 of the regional sites received on-site monitoring and Letters of Findings were issued for areas of noncompliance. The Letters of Findings were made public and posted on the CDS website.

### Alignment with National Technical Assistance Resources

Maine contracts with technical assistance, professional development and dissemination resources throughout the state to provide scientifically based materials and instruction to educators, parents and interested parties. Contracts developed with contractors during FFY2009 included an objective requiring the contractor to serve as a liaison between the MDOE and national technical assistance centers that provide scientifically research-based resources that can be useful for SAUs. All contractors providing technical assistance to SAUs in the State are aligned with and engaging the services of

national technical assistance centers in order to provide the most current best practice available.

Additionally, CDS has requested assistance in the areas of least restrictive environment (LRE) for children three to five, natural environment birth to two, Expanding Inclusive Opportunities, child outcomes (COSF), transition C to B and preschool to kindergarten, General Supervision System, APR assistance, and data analysis from the Northeast Regional Resource Center (NERRC), NECTAC, OSEP, Early Childhood Outcomes (ECO) Center, ITCA, and WESTAT. CDS State IEU personnel participate in OSEP, NECTAC, and NERRC teleconferences as frequently as possible. CDS applied for and was chosen by ECO to be part of the framework partnership work that is underway. In addition to the framework, Maine is taking part in the ENHANCE research project to study the quality of information being produced through the COSF process. Three regional sites are working with SRI International to complete this work.

CDS was represented at a variety of national technical assistance opportunities including:

- Presentation by the State Director of the Maine GSST process to NERRC via teleconference
- ECO Conference in July 2009
- Leadership Conference in DC August 2009
- WESTAT National Accountability Center Advisory Board meeting November 2009 (State Director is a member of this board)
- The Part C and 619 Coordinators Conference in DC in December 2009
- IFSP and Outcomes Think Tank in the spring of 2010, attended by the State Director by invitation
- Data Managers Conference in June 2010

### **Future Steps**

CDS continues to support the equitable and efficient provision of services under IDEA to children birth to five in the State of Maine. The infrastructure developed at the CDS State IEU provides a basis for the work for Part C and Part B Section 619. The reorganization from 15 to nine regional sites further develops this efficiency and equity in the following ways:

- The CDS State IEU staff will meet monthly with the nine regional Directors to focus on areas where consistency can be achieved through group effort and training.
- The meetings will result in a cross over from mutually identified needs to the systems training schedule.
  - The weekly Lunch and Learns (<http://www.maine.gov/education/speced/cds/training/index.html>) will continue to provide a venue for training needs. These remain a proven method of outreach and training to staff throughout the State based on feedback from personnel. The Lunch and Learn sessions are used to provide clarifying information on a variety of issues that have been discovered through monitoring, through requests from the field and/or

consultants and based on information provided to the CDS State IEU. A focus of the Lunch and Learn sessions are on the clarification, practice and understand of the Part C Federal and State Regulations. As CDS moves into the next fiscal year the Lunch and Learn sessions will expand to discuss best practices and strategies to meet OSEP indicator and Maine Unified Special Education Regulation (MUSER) requirements.

- Regional training provided by the Part C and B Technical Advisors with a focus on transition from Part C to B.
- Regional training for evidence based practices in the natural environment. This will continue to include peer review of coaching logs under the guidance of Dathan Rush and M'Lisa Shelden.
- Continuation of focused training and self review of indicator Part C 8a, b, c with all regional sites.
- Provision of training at the regional level to support a greater understanding of the connection between indicator growth and local personnel's role in indicator growth.

The regional sites' response to the GSST work has been positive and they are making strategic changes to support growth towards indicators. To support present employees and in recognition of regular personnel turnover, it is critical that the CDS State IEU maintain an ongoing focus on improved educational results and functional outcomes for all children with disabilities. The CDS State IEU facilitates this through the monthly Directors Council and the Statewide Advisory Board.



# Federal Fiscal Year 2009 Part C Annual Performance Report

## Summary of Progress toward Maine's State Performance Plan

SPP Indicator	FFY 2008 Performance				FFY 2009 Target				FFY 2009 Performance					
1. Timely Intervention	91%				100%				92.9%					
2. Typically Developing	90%				94%				85%					
3. Developmental Outcomes (0-2)														
	did not improve				16%	12%	17%	did not improve				7%	3%	5%
	improved not nearer				25%	26%	24%	improved not nearer				34%	39%	33%
	improved nearer				20%	36%	22%	improved nearer				17%	31%	24%
	improved comparable				28%	21%	21%	improved comparable				15%	17%	21%
	maintained				17%	5%	17%	maintained				27%	10%	18%
1				51.5	59.1	51.5	1				52	59	52	
2				39.7	25.6	37.2	2				40	26	37	

## Part C State Annual Performance Report (APR) for FFY 2009

### Monitoring Priority: Early Intervention Services In Natural Environments

**Indicator 1: Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.**

(20 U.S.C. 1416(a)(3)(A) and 1442)

#### Measurement:

Percent = [(# of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner) divided by the (total # of infants and toddlers with IFSPs)] times 100.

Account for untimely receipt of services, including the reasons for delays.

*Percent = [(1575 timely manner) ÷ (1696 with IFSPs)] times 100 = 92.9%*

Reasons For Delay	Count
CDS	1
No available openings	55
No provider available	64
Provider Interruption	1
Total	121

No available openings – Provider is available but has no time available.

No provider available – No provider is available.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>FFY2009</b>	<b>100%</b>
<b>FFY</b>	<b>Actual Target Data for FFY2009</b>
<b>FFY2009</b>	<b>92.9%</b>

**Additional Information required by the June 3, 2010 OSEP APR Response Table for this indicator:**

Statement from the Response Table	State's Response
The State must demonstrate, in the FFY 2009 APR, due February 1, 2011, that the State is in compliance with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1). Because the State reported less than 100% compliance for FFY 2008, the State	While CDS' data do not demonstrate compliance, they demonstrate progress toward compliance. CDS reports on the correction of noncompliance reported in FFY 2008 in the "Correction of FFYs 2006

Statement from the Response Table	State's Response
must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.	to 2008 Findings of Noncompliance" section below.
If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.	Maine has reviewed and revised, when necessary, its improvement activities for indicator 1.
The State must demonstrate, in the FFY 2009 APR, that the remaining 11 uncorrected noncompliance findings identified in FFY 2007 were corrected.	CDS reports on the correction of noncompliance identified in FFY 2007 in the "Correction of FFYs 2006 to 2008 Findings of Noncompliance" section below.
When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2008 data the State reported for this indicator and the EIS programs with the remaining 11 uncorrected noncompliance findings identified in FFY 2007: (1) are correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) have initiated services, although late, for any child whose services were not initiated in a timely manner, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.	CDS reports on the verification of correction of noncompliance identified in FFYs 2006 to FFY 2008 consistent with OSEP Memorandum 09-02 in the "Correction of FFYs 2006 to 2008 Findings of Noncompliance" section below.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:**

The data demonstrate an increase of almost 2% from 91% in FFY2008 to 92.9% in FFY2009.

Regional Site Directors meet monthly as a group and discuss strategies to assist in meeting the needs of children in a timely manner. These conversations have led to new practices, such as; regional sites have shared personnel to cover services areas on the borders of their regions. One regional site in southern Maine, where personnel are

easier to recruit, “loaned” an evaluator to the most northern regional site (where personnel are not as easy to recruit) during FFY2009 to assist the northern regional site to meet evaluation timelines. Other regional sites are discussing similar practices. These conversations also occur at the regional site board level and the State Advisory Board meeting monthly.

The State continues its commitment to provide training on Evidence Based Early Intervention (using the primary coach approach to teaming) for regional site personnel. One goal of this training is to increase efficiency and team monitoring of timely service delivering. Several regional sites now have complete Part C teams. The Part C TA meets with these teams regularly to coach the team in the model.

The Case-e data system also allows CDS State IEU personnel to review timelines regularly. Regional sites are required to submit monthly compliance reports to the CDS State IEU office on their unmet needs for children. The CDS State IEU Management Team has begun to make reviewing these reports a standing agenda item regularly at their meetings to ensure that regional sites are providing timely services to children.

The CDS State IEU Data Manager continues to hold weekly webinars with a variety of regional personnel who use the Case-e data system. The weekly data webinars, which use the CDS central database as a focus, cover a variety of topics including: user feedback; systemic developments that affect the collection; interpretation and use of CDS data; troubleshooting, and training. Weekly webinars are also used to gauge the overall acceptance and adaptation of the user community to changes that often occur outside their specific control. This activity provides for communication between the CDS State IEU and regional users on what changes need to occur and what strategies users have developed to input needed information in the system.

In the current “data driven” environment it is critical to have a source of reliable information to inform the CDS community of users. The weekly webinars serve as that source. Users with different perspectives and different levels of understanding come together and are able to experience how others describe and use the data. This promotes a more uniform understanding of the data, which is important to the development of validity and reliability.

Recruitment of staff, direct service personnel and contracted providers to cover services needed for children has been a priority at the regional and state level. Available positions are posted on the CDS website (<http://www.maine.gov/education/speced/cds/jobs/index.html>) by the CDS State IEU Human Resources Office Assistant. Employment opportunities are also placed on an outside agency’s site, [www.ServingSchools.com](http://www.ServingSchools.com). In addition to posting on these websites the CDS State IEU ran an ad in a variety of area newspapers. The CDS State IEU Human Resource Manager worked to publish all open employment opportunities in a statewide employment newspaper that was distributed at a statewide healthcare symposium.

Funding poses challenges to timely provision of services in natural environments. CDS had been flat funded for several years and continues to face significant financial revenue stream changes. Maine's Part C system continues to restructure and review policies and practices to address the increased pressures on the budget caused by these restraints on revenue sources.

**Correction of FFYs 2006 to 2008 Findings of Noncompliance:**

	FFY 2006	FFY 2007	FFY 2008
1. Number of findings of noncompliance the State made during FFYs 2006 to 2008	1*	11*	3*
2. Number of FFY 2006 to 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the EIS program of the finding)	0	0	0
3. Number of FFY 2006 to 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	1	11	3

**Correction of FFYs 2006 to 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance) and/or Not Corrected:**

	FFY 2006	FFY 2007	FFY 2008
4. Number of FFY 2006 to 2008 findings not timely corrected (same as the number from (3) above)	1	11	3
5. Number of FFY 2006 to 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	1	2	1
6. Number of FFY 2006 to 2008 findings <u>not</u> verified as corrected [(4) minus (5)]	0	9	2

\* During the past year, due to a change in staff and a review of past practices against the requirements of the OSEP Memorandum 09-02, CDS/MDOE discovered a need for revising its method of tracking findings of noncompliance. In doing so, all findings of noncompliance, correction of noncompliance, and correspondence for FFYs 2006 forward were compiled into a new tracking system. The move to the revised tracking system resulted in the discovery of a discrepancy in the numbers of findings of noncompliance reported in previous APRs and what can be verified. The numbers in this table reflect the accurate number of findings and corrections, consistent with OSEP Memorandum 09-02.

**Verification of Correction of Noncompliance, Consistent with OSEP Memorandum, 09-02:**

Prior to considering any finding from FFY 2006 to FFY 2008 corrected, CDS State IEU verified that each regional site with noncompliance: (1) was correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring

or a State data system; and (2) had initiated services, although late, for any child whose services were not initiated in a timely manner, unless the child was no longer within the jurisdiction of the regional site, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

Specifically, to verify that each regional site was correctly implementing the requirements, CDS State IEU reviewed updated data from Case-e, performed on-site file reviews, verified data submitted through regional site self-assessments and compliance reports submitted for each regional site. The time period for which each program was required to demonstrate 100% compliance varied based on the level of noncompliance identified in the program. CDS State IEU also used Case-e to verify that each regional site had initiated services, although late, for any child whose services were not timely. If a service start date was not included in Case-e for each child, the findings was not considered corrected.

In addition to verifying correction according to the OSEP 09-02 Memorandum, CDS State IEU also complied with the requirements to account for all instances of noncompliance identified through its database as well as on-site monitoring and other monitoring procedures; identify the level, location (regional site), and root cause(s) of all noncompliance; and require any regional site with policies, procedures, or practices that contributed to the noncompliance to revise those policies, procedures, or practices and submit corrective action plans.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:**

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-05.

## Part C State Annual Performance Report (APR) for FFY 2009

### Monitoring Priority: Early Intervention Services In Natural Environments

**Indicator 2: Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings.**

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:**

Percent = [(# of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings) divided by the (total # of infants and toddlers with IFSPs)] times 100.

*Percent = [(849 received EI services in the home or community-based settings) ÷ (999 with IFSPs)] times 100 = 85%*

<i>FFY</i>	<i>Measurable and Rigorous Target</i>
<i>FFY2009</i>	<i>94%</i>
<b>FFY</b>	<b>Actual Target Data for FFY2009</b>
<b>FFY2009</b>	<b>85%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:**

The CDS State IEU is concerned that the number of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings has decreased 5% from last year and that CDS did not meet its target of 94%.

Factors that affect this decrease include shortage of personnel in a variety of disciplines, a reluctance of providers to travel to homes and or community-based settings, and providers and parents adapting to change of service models.

Since 2008, CDS/MDOE has participated in and co-lead with our partner agency, the Department of Health and Human Services/Office of Family Services (Head Start and Day Care), the Expanding Inclusive Opportunities Initiative supported by NECTAC since 2008. A diverse group of stakeholders including professionals from a variety of state agencies and programs, parents and providers has joined the Initiative to support the work of Expanding Inclusive Opportunities to all children birth to five in Maine. Conversations on natural environment options are included in the work of this group. Over the course of the past two years, the Expanding Inclusive Opportunities Initiative has focused on four primary goals to ensure all children are supported in inclusive

settings: 1) develop a tool kit that provides a self-assessment framework for community programs to use for examining inclusive practices; 2) access an accurate, integrated, cross state agency data system; 3) develop strategies and approaches to increased child behavioral health services to early childhood programs; and 4) develop a coordinated cross sector personnel development and technical assistance system. The work of Maine's Expanding Inclusive Opportunities Initiative can be reviewed at <http://www.umaine.edu/ExpandInclusiveOpp/default.htm>.

The CDS State IEU funded a .60 FTE Part C TA position through ARRA funds (this position became full time as of FFY2010). A main responsibility for the Part C TA over FFY2009 was to improve regional sites' compliance with regulations around natural environments. All regional sites participated in technical assistance provided by the Part C TA to examine their Evidence Based Early Intervention Practices. In the examination of their settings for children in Part C, many regional sites created Part C service teams to see children in their homes or community-based settings rather than in clinic settings among multiple providers outside the natural environment.

The MDOE revised MUSER with assistance from the Part C TA to include language to re-emphasize delivery of services in the natural environment and other evidence based practices.

The CDS State IEU continues to support regional sites in their attempts to recruit and retain qualified providers to assure that services are available for children and families in their home or community-based setting. In addition to this support, the CDS State IEU is providing training in the primary coach approach to Evidence Based Early Intervention Practices (also referred to as the Primary Service Provider approach). The first training in this approach was presented by M'Lisa Sheldon and Dathan Rush from Sheldon and Rush, LLC, in September, 2009. The six regional sites chosen to participate in that first round of training were the regional sites that had been more deeply involved in providing services to children and families using this model. The training was intense and provided a follow up by both presenters as well the Part C TA for six months following the training. The participants received hands-on coaching, training and guidance on ensuring fidelity of practice. Significant follow up to this training has occurred with each regional site. A second two-day training was provided on May 12 and 13, 2010. Nine regional sites were selected to participate in this intensive training opportunity by sending teams of professionals to receive training on the model. Follow up is now being provided to all Part C teams not previously trained.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:**

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-05.



## Part C State Annual Performance Report (APR) for FFY 2009

### Monitoring Priority: Early Intervention Services In Natural Environments

#### *Indicator 3: Percent of infants and toddlers with IFSPs who demonstrate improved:*

- A. Positive social-emotional skills (including social relationships);*
- B. Acquisition and use of knowledge and skills (including early language/communication); and*
- C. Use of appropriate behaviors to meet their needs.*

(20 U.S.C. 1416(a)(3)(A) and 1442)

#### **Measurement:**

##### Outcomes:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication); and
- C. Use of appropriate behaviors to meet their needs.

##### Progress categories for A, B and C:

- a. Percent of infants and toddlers who did not improve functioning =  $[(\# \text{ of infants and toddlers who did not improve functioning}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- c. Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it =  $[(\# \text{ of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- d. Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who improved functioning to reach a level comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who maintained functioning at a level comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .

#### **Summary Statements for Each of the Three Outcomes (use for FFY 2009-2010 reporting):**

**Summary Statement 1:** Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.

**Measurement for Summary Statement 1:** Percent =  $[\# \text{ of infants and toddlers reported in progress category (c)} + \# \text{ of infants and toddlers reported in category (d)}] \div [\# \text{ of infants and toddlers reported in progress category (a)} + \# \text{ of infants and toddlers reported in progress category (b)} + \# \text{ of infants and toddlers reported in progress category (c)} + \# \text{ of infants and toddlers reported in progress category (d)}] \times 100$ .

**Summary Statement 2:** The percent of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned 3 years of age or exited the program.

**Measurement for Summary Statement 2:** Percent =  $\# \text{ of infants and toddlers reported in progress}$

category (d) plus [# of infants and toddlers reported in progress category (e) divided by the total # of infants and toddlers reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

FFY	Measurable and Rigorous Target for FFY2009	
2009	1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program	2. The percent of children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program
Outcome A.	52%	40%
Outcome B.	59%	26%
Outcome C.	52%	37%
FFY	Actual Target Data for FFY2009	
2009	1. Percent substantially increased their rate of growth	2. Percent of preschool children who were functioning within age expectations
Outcome A.	43.5%	42.1%
Outcome B.	53.5%	26.8%
Outcome C.	54.7%	38.6%

**Additional Information required by the June 3, 2010 OSEP APR Response Table for this indicator:**

Statement from the Response Table	State's Response
The State must report progress data and actual target data for FFY 2009 in the FFY 2009 APR.	See tables below.

**Targets and Actual Data for Part C Children Exiting in FFY 2009 (2009-10)**

Summary Statements	Targets FFY 2009 (% of children)	Actual FFY 2009 (% of children)
<b>Outcome A: Positive social-emotional skills (including social relationships)</b>		
1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	52	43.5
2. The percent of children who were functioning within age	40	42.1

expectations in Outcome A by the time they exited the program		
<b>Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)</b>		
1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	59	53.5
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	26	26.8
<b>Outcome C: Use of appropriate behaviors to meet their needs</b>		
1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	52	54.7
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	37	38.6

## Progress Data for Part C Children FFY 2009

<b>A. Positive social-emotional skills (including social relationships):</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of children who did not improve functioning	16	7.2
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	75	33.9
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	37	16.7
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	33	14.9
e. Percent of children who maintained functioning at a level comparable to same-aged peers	60	27.1
<b>Total</b>	<b>N=221</b>	<b>100%</b>
<b>B. Acquisition and use of knowledge and skills (including early language/communication):</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of children who did not improve functioning	7	3.2
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	85	38.6
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	69	31.4
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	37	16.8
e. Percent of children who maintained functioning at a level comparable to same-aged peers	22	10

<b>Total</b>	<b>N=220</b>	<b>100%</b>
<b>C. Use of appropriate behaviors to meet their needs:</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of children who did not improve functioning	<b>10</b>	<b>4.5</b>
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	<b>72</b>	<b>32.7</b>
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	<b>53</b>	<b>24.1</b>
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	<b>46</b>	<b>20.9</b>
e. Percent of children who maintained functioning at a level comparable to same-aged peers	<b>39</b>	<b>17.7</b>
<b>Total</b>	<b>N=220</b>	<b>100%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009**

In response to federal outcome reporting requirements and to improve intervention services for children with disabilities, CDS has implemented an outcome reporting system to measure the percent of infants and toddlers with IFSPs who demonstrate: improved positive social-emotional skills; acquisition and use of knowledge and skills; and use of appropriate behaviors to meet their needs. The procedures used throughout the CDS system are based extensively on the work of and recommendations made by the Early Childhood Outcomes Center (ECO).

The Child Outcomes Summary Form (COSF) was selected as the data collection tool and CDS State IEU requires all regional sites to complete the COSF at entry, annually, and at exit (from services or in transition from Part C to Part B).

A great effort has been made to build a system to collect and report data that are both valid and reliable. Improvement activities that have been completed over the course of the year include:

- Lunch and Learn sessions.
- “From File to APR” training-
  - Training on the requirements of outcomes
  - Training on the monitoring checklist. The checklist is utilized as part of the monitoring requirements or for the regional site to review their COSF submissions.
- Regional site/user specific training.
- Review of completed COSF for accuracy/completeness-
  - TA occurs frequently and is available at any time for all regional site personnel. An example of the continuous availability for TA is when the COSFs are submitted electronically to the CDS State IEU. At that time, they are reviewed for accuracy. If there is information that is omitted, misplaced, missing, incomplete, inaccurate or unclear the form is returned to the Regional Site Director and/or Case Manager to be reviewed,

completed and resubmitted. If the corrections needed are not clear, the Data Distinguished Educator provides TA to the personnel to ensure their competence in the area. The Part C/619 Policy Manager is also available to provide TA to all regional sites and regional site personnel.

- Updated Child Outcome Summary Form (COSF)-
  - The form has been modified throughout the year to ensure information collected is accurate and reliable.
- Partner state of the Outcomes Measurement System Framework and Self-assessment project ([http://www.fpg.unc.edu/~eco/pages/frame\\_dev.cfm](http://www.fpg.unc.edu/~eco/pages/frame_dev.cfm)).

When considering the actual data for FFY2009 in regards to slippage or progress, the quality of the data is an essential consideration. An indicator of quality is stability over time. A key factor considered is that the size of the data set has almost doubled from FFY2008 to FFY2009. The number of children in the data set enhances data validity and the data becomes more representative of the system.

- In FFY 2008, 121 children were assessed and in FFY 2009, 220 (Outcome B and C) and 221 (Outcome A) children were assessed.
- In all areas except Outcome A1 (Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program) and Outcome B1 (Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program), progress has been made.
- In all three Outcomes [Positive social-emotional skills (including social relationships); Acquisition and use of knowledge and skills (including early language/communication); and Use of appropriate behaviors to meet their needs], the percent of children who did not improve functioning has decreased from the last two years.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010**

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-05.

## Part C State Annual Performance Report (APR) for FFY 2009

### Monitoring Priority: Early Intervention Services In Natural Environments

**Indicator 4: Percent of families participating in Part C who report that early intervention services have helped the family:**

- A. Know their rights;**
- B. Effectively communicate their children's needs; and**
- C. Help their children develop and learn.**

(20 U.S.C. 1416(a)(3)(A) and 1442)

<p><b>Measurement:</b></p> <p>A. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family know their rights) divided by the (# of respondent families participating in Part C)] times 100.</p> <p>B. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family effectively communicate their children's needs) divided by the (# of respondent families participating in Part C)] times 100.</p> <p>C. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family help their children develop and learn) divided by the (# of respondent families participating in Part C)] times 100.</p>	<p><i>A. 183 know rights divided by 241 families responded times 100 = 76%</i></p> <p><i>B. 197 communicate needs divided by 241 families responded times 100 = 82%</i></p> <p><i>C. 197 services helped divided by 241 families responded times 100 = 82%</i></p>
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FFY	Measurable and Rigorous Target for FFY2009		
FFY2009	4A Know their rights	4B Effectively communicate their children's needs	4C Help their children develop and learn
	91%	91%	91%
FFY	Actual Target Data for FFY2009		
FFY2009	4A Know their rights	4B Effectively communicate their children's needs	4C Help their children develop and learn
	76%	82%	82%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:**

The percentage of families with a child participating in Part C who reported that early intervention services have helped the family know their rights, effectively communicate their children's needs and help their children develop and learn did not meet the targets. All parents of children receiving services through CDS (Part C and 619) received a parent survey. 962 Part C surveys were sent to families throughout the State and 241 were returned, yielding a return rate of 25%. This is a better return rate than previous years (FFY2007 and FFY2008) which had a 16% return rate. In review of the data, the CDS State IEU has determined the response data is representative of the CDS system.

Surveys		
Sent	Received	%
962	241	25%

Maine contracted with the Maine Parent Federation (MPF) to conduct the survey for the 2009-2010 and subsequent school years due to a lack of sufficient resources within MDOE to complete the survey. MPF contacted the CDS State IEU to obtain parent contact information. MPF administered three surveys (Part C - birth to 2, Part B 619 for ages 3-5, and Part B school-age 5-20) along with a cover letter from CDS/MDOE. The data was electronically captured from each of the surveys. The survey administered was the same survey used in previous years.

This was the first year that MPF conducted the survey on behalf of MDOE. In their work, MPF had the capability and resources to provide parents with education on the contents and meaning of the survey. This outreach could have provided MDOE with a more accurate representation of parents' perceptions as parents were provided with more information on which to base their survey answers.

CDS has been concerned about the reading level and applicability of some of the questions on the survey. Through a discretionary grant, MPF is in the process of reviewing the strengths and weaknesses of the current survey and will make recommendations to the MDOE B-20 GSST Team for improving the survey as well as the process of survey administration.

Various factors may have contributed to the slippage observed in the data including:

- Change in the delivery method and administration of the survey
- Reorganization of CDS regional sites including the timeline for completion of the survey
- A higher return rate
- Families may have an expanded understanding of the questions due to MPF's cover letter that accompanied the survey

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines /  
Resources for FFY2009:**

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-05.



## Part C State Annual Performance Report (APR) for FFY 2009

### Monitoring Priority: Effective General Supervision Part C / Child Find

#### Indicator 5: Percent of infants and toddlers birth to 1 with IFSPs compared to national data.

(20 U.S.C. 1416(a)(3)(B) and 1442)

##### Measurement:

Percent=[(# of infants and toddler birth to 1 with IFSPs) divided by the (population of infants and toddlers birth to 1)] times 100 compared to national data.

*Percent = [(90 < 1yr) ÷ (14161 < 1 pop)] times 100 = 0.64%*

<i>FFY</i>	<i>Measurable and Rigorous Target</i>
<i>FFY2009</i>	<i>0.77%</i>
<b>FFY</b>	<b>Actual Target Data for FFY2009</b>
<b>FFY2009</b>	<b>0.64%</b>

#### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

The data reported for FFY2009 indicates 0.64% of infants and toddlers birth to one have IFSPs. The data reported in FFY2009 shows significant progress compared with the reported FFY2008 of 0.52%.

Promotional materials and outreach occur in a variety of venues. The CDS State IEU Director, the Part C/619 Policy Manager, the Part C TA and Regional Site Directors have participated in many groups/meetings that focus on a variety of infant and toddler matters. Such groups include: the Infant and Toddler Initiative, a legislative work group with the Maine Division of the Blind and Visually Impaired, the Caring Community Collaboration Advisory Group, Expanding Inclusive Opportunities Stakeholder group, Maine Head Start Directors, the Maine Children's Growth Council, the Low Incidence Task Force and Autism workgroups. The Child Care Advisory Committee, Caring Community Collaborative, The Maine Newborn Hearing Program, CDS and the Maine Educational Center for the Deaf and Hard of Hearing meet quarterly to discuss the processes for children with hearing loss.

The CDS brochure

(<http://www.maine.gov/education/speced/cds/documents/CDStrifold.pdf>), which describes the various services and resources provided by CDS, has been reviewed and

revised. The new brochures are available now for use with child care professionals, referral sources, pediatricians, etc.

CDS has a definition for Part C which was considered narrow by OSEP standards when OSEP was defining definitions. When MUSER was revised in May 2007, the CDS State IEU assisted the regional sites to understand the changes and to put processes in place to implement the regulations in a consistent manner statewide. One process that has supported standardization is the required use of the Bayley or the Battelle as part of the evaluation process

(<http://www.maine.gov/education/speced/cds/adminltrs/ltr1bayleybattelle.pdf>).

Additionally, training occurred for providers and others to understand the changes. Eligibility practices are reviewed for each regional site as part of the CDS State IEU's monitoring process. This has led to more consistent practice in line with the regulations, all of which supports more appropriate identification of children under Part C.

CDS/MDOE and DHHS worked cooperatively to revise the Interagency Agreement between the two Departments. A team of individuals from the two agencies met regularly during FFY 2009 to discuss the roles and responsibilities of each in relation to IDEA. Rich conversation occurred regarding the referral of children to the CDS system. The team reached consensus that it was critical that children who were screened by the Center for Disease Control in the categories, be referred as soon as possible to CDS: newborn hearing; newborn bloodspot screening; birth defects; premature birth; CAPTA; and infants affected by substances in utero. Concerns regarding referral requirements were addressed by the group and required practices were included in the agreement. This agreement became effective October 15, 2010. The data for this indicator shows growth over FFY2008 which may be related to the conversations supporting child find and the need for referral to CDS which occurred in the agreement development process.

To support the work required by the agreement, the CDS State IEU created a position for a central referral coordinator to be in place FFY2010 (job description- [http://www.maine.gov/education/speced/cds/jobs/documents/central\\_referral\\_coordinator.pdf](http://www.maine.gov/education/speced/cds/jobs/documents/central_referral_coordinator.pdf)). This position began September 2010. The central referral coordinator initiated outreach to agencies that refer to CDS and has reviewed and revised the referral form and process utilized to refer to CDS. Individuals who refer now may call the regional site or the toll free Central Referral Line. Eighty-four referrals have been received from 9/24/10 to 1/10/11. The CDS State IEU will use this data along with previous data on referrals to review the effectiveness of this position.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:**

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-05.

## Part C State Annual Performance Report (APR) for FFY 2009

### Monitoring Priority: Effective General Supervision Part C / Child Find

#### *Indicator 6: Percent of infants and toddlers birth to 3 with IFSPs compared to national data.*

(20 U.S.C. 1416(a)(3)(B) and 1442)

#### **Measurement:**

Percent=[(# of infants and toddler birth to 3 with IFSPs) divided by the (population of infants and toddlers birth to 3)] times 100 compared to national data.

*Percent = [(999) ÷ (43,624 pop)] times 100 = 2.29%*

<i>FFY</i>	<i>Measurable and Rigorous Target</i>
<i>FFY2009</i>	<i>2.67%</i>
<b>FFY</b>	<b>Actual Target Data for FFY2009</b>
<b>FFY2009</b>	<b>2.29%</b>

#### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:**

The data reported for FFY2009 indicate 2.29% of infants and toddlers birth to three have IFSPs. The data reported in FFY2009 remains the same as the reported FFY2008 data of 2.29%.

Promotional materials and outreach occur in a variety of venues. The CDS State IEU Director, the Part C/619 Policy Manager, the Part C TA and Regional Site Directors have participated in many groups/meetings that focus on a variety of infant and toddler matters. Such groups include: the Infant and Toddler Initiative, a legislative work group with the Maine Division of the Blind and Visually Impaired, the Caring Community Collaboration Advisory Group, Expanding Inclusive Opportunities Stakeholder group, Maine Head Start Directors, the Maine Children's Growth Council, the Low Incidence Task Force and Autism workgroups. The Child Care Advisory Committee, Caring Community Collaborative, The Maine Newborn Hearing Program, CDS and the Maine Educational Center for the Deaf and Hard of Hearing meet quarterly to discuss the processes for children with hearing loss.

The CDS brochure

(<http://www.maine.gov/education/speced/cds/documents/CDStrifold.pdf>), which describes the various services and resources provided by CDS, has been reviewed and

revised. The new brochures are available now for use with child care professionals, referral sources, pediatricians, etc.

CDS has a definition for Part C which was considered narrow by OSEP standards when OSEP was designating definitions. When MUSER was revised in May 2007, the CDS State IEU assisted the regional sites to understand the changes and to put processes in place to support the regulations in a consistent manner statewide. One process that has supported standardization is the required use of the Bayley or the Battelle as part of the evaluation process

(<http://www.maine.gov/education/speced/cds/adminltrs/ltr1bayleybattelle.pdf>).

Additionally, training occurred for providers and others to understand the changes. Eligibility practices are reviewed for each regional site as part of the CDS State IEU's monitoring process. This has led to more consistent practice in line with the regulations, all of which supports more appropriate identification of children under Part C.

CDS/MDOE and DHHS worked cooperatively to revise the Interagency Agreement between the two Departments. A team of individuals from the two agencies met regularly during FFY 2009 to discuss the roles and responsibilities of each in relation to IDEA. Rich conversation occurred regarding the referral of children to the CDS system. The team reached consensus that it was critical that children who were screened by the Center for Disease Control in the categories be referred as soon as possible to CDS: newborn hearing; newborn bloodspot screening; birth defects; premature birth; CAPTA; and infants affected by substances in utero. Concerns regarding referral requirements were addressed by the group and required practices were included in the agreement. This agreement became effective October 15, 2010. The data for this indicator shows growth over FFY2008 which may be related to the conversations supporting child find and the need for referral to CDS which occurred in the agreement development process.

To support the work required by the agreement, the CDS State IEU created a position for a central referral coordinator to be in place FFY2010 (job description-[http://www.maine.gov/education/speced/cds/jobs/documents/central\\_referral\\_coordinator.pdf](http://www.maine.gov/education/speced/cds/jobs/documents/central_referral_coordinator.pdf)). This position began September 2010. The central referral coordinator initiated outreach to agencies that refer to CDS and has reviewed and revised the referral form and process utilized to refer to CDS. Individuals who refer now may call the regional site or the toll free Central Referral Line. Eighty-four referrals have been received from 9/24/10 to 1/10/11. The CDS State IEU will use these data along with previous data on referrals to review the effectiveness of this position.

The growth on indicator 5 and the status quo on indicator 6 have been analyzed. Many of the changes that have been put in place occur at the time of newborn screenings. Children who are referred later are often referred by caregivers, doctors, etc based on concerns for development subsequent to the newborn screens and outside the network that is now in place to move referrals quickly to CDS in the first year of life. CDS has experienced pushback from some stakeholders regarding the use of Evidence Based Early Intervention Practices. In some cases where children are eligible for MaineCare,

CDS regional sites have received input gathered from provider meetings, IFSP team meetings, a variety of early childhood interest groups and other settings in which CDS personnel and other collaborative partners are in attendance documenting a variety of data to show that parents have opted to go through the public insurance route and access provider services at service provider locations rather than go through the child find process with CDS. The MDOE (through CDS) and the DHHS (through MaineCare) are discussing this to discern if child find responsibility is supported appropriately by those who are referral sources and/or provide services to children. CDS did invite stakeholders to Evidence Based Early Intervention Practices training in the past year to allow them to observe and evaluate the training CDS provided personnel in an attempt to alleviate any concerns and/or misconceptions regarding this process.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:**

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-05.

## Part C State Annual Performance Report (APR) for FFY 2009

### Monitoring Priority: Effective General Supervision Part C / Child Find

**Indicator 7: Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.**

**Measurement:**

Percent = [(# of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting was conducted within Part C's 45-day timeline) divided by the (# of eligible infants and toddlers with IFSPs evaluated and assessed for whom an initial IFSP meeting was required to be conducted)] times 100.

Account for untimely evaluations, assessments, and initial IFSP meetings, including the reasons for delays.

*Percent = [(872 with IFSP within timeline) ÷ (1350 with IFSP meetings required to be conducted)] times 100 = 64.6%*

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
FFY2009	100%
<b>FFY</b>	<b>Actual Target Data for FFY2009</b>
FFY2009	64.6%

**Additional Information required by the June 3, 2010 OSEP APR Response Table for this indicator:**

Statement from the Response Table	State's Response
The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.	While CDS' data do not demonstrate compliance, they demonstrate progress toward compliance. CDS reports on the correction of noncompliance reported in FFY 2008 in the "Correction of FFYs 2006 to 2008 Findings of Noncompliance" section below.
If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.	Maine has reviewed and revised, when necessary, its improvement activities for indicator 7.

Statement from the Response Table	State's Response
The State must demonstrate, in the FFY 2009 APR, that the remaining six uncorrected noncompliance findings identified in FFY 2007 were corrected.	CDS reports on the correction of noncompliance identified in FFY 2007 in the "Correction of FFYs 2006 to 2008 Findings of Noncompliance" section below.
When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2008 data the State reported for this indicator and the EIS programs with the remaining six uncorrected noncompliance findings identified in FFY 2007: (1) are correctly implementing 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) have conducted the initial evaluation, assessment, and IFSP meeting, although late, for any child for whom the 45-day timeline was not met, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.	CDS reports on the verification of correction of noncompliance identified in FFYs 2006 to FFY 2008 consistent with OSEP Memorandum 09-02 in the "Correction of FFYs 2006 to 2008 Findings of Noncompliance" section below.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:**

Despite continued efforts, the data for FFY2009 show a decrease in compliance relative to FFY2008. The decrease may be due in part to the constant change of evaluation timelines. Over this reporting year the timeline for children three to five in Maine regulations changed from 60 calendar days in June 2008 to 45 school days in January 2009, back to 60 calendar days in May 2009. Regional CDS personnel have experienced confusion with the changes in both Parts C and B. Since CDS serves children birth to five any change in any part of the system can affect portions of the total system. Additionally, greater emphasis on data on the part of the CDS State IEU has resulted in better user awareness regarding what is required in the database. Better understanding of the definitions of the required data has helped remove discrepancies among interpretations at the regional site level; this, in turn, has had an effect on reported data.

**Activities documented for FFY2009**

- Training on changes needed to improve this indicator was provided to regional Site Directors at the June 2009 leadership conference held at the University of Maine (attendance of Regional Site Directors was required).
- Administrative Letter #20 - Part C and Part B Timeline Compliance Activities.
- Administrative Letter #21 - Amendment to Administrative Letter #20, Part C and Part B Timeline Compliance Activities, regarding September 1, 2009 due date.
- Organized and delivered two two- day trainings (September 2009 & May 2010) on the Primary Coach Approach to Teaming (with national consultants Dathan Rush and M'Lisa Sheldon) which included discussion of the steps, timing and processes of eligibility determination and IFSP development.
- Provided follow-up on the Primary Coach Approach to Teaming Training to six CDS regional sites for six months.
- Instituted a system-wide timeline tracking process through the data system.

**In addition to the activities documented for FFY2009, the following activities continue:**

- Weekly webinars with individuals who routinely enter and use the Case-e data system. These webinars are interactive and provide an opportunity for clarifying conversations between regional site personnel and the CDS State IEU Data Manager.
- Compliance timelines are discussed and stressed to all CDS personnel and contract providers by all CDS State IEU personnel, CDS State IEU contracted individuals who provide regional site training, and by the regional Site Directors.
- The CDS State IEU contracts with two individuals to provide training to regional sites in the areas determined by the CDS State IEU Director as a result of Letters of Findings, data system reviews, as well as queries and requests from the field.
- CDS State IEU continuing use of, and reference to, Part C Process Chart for employee use available at <http://www.maine.gov/education/speced/cds/documents/PartCProcessChart.doc>
- The CDS State IEU provides Lunch and Learn sessions to CDS regional site personnel.

**Correction of FFYs 2006 to 2008 Findings of Noncompliance:**

	<b>FFY 2006</b>	<b>FFY 2007</b>	<b>FFY 2008</b>
1. Number of findings of noncompliance the State made during FFYs 2006 to 2008	<b>1*</b>	<b>12*</b>	<b>2*</b>
2. Number of FFY 2006 to 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the EIS program of the finding)	<b>0</b>	<b>0</b>	<b>0</b>
3. Number of FFY 2006 to 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>1</b>	<b>12</b>	<b>2</b>



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**Correction of FFYs 2006 to 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance) and/or Not Corrected:**


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	<b>FFY 2006</b>	<b>FFY 2007</b>	<b>FFY 2008</b>
4. Number of FFY 2006 to 2008 findings not timely corrected (same as the number from (3) above)	<b>1</b>	<b>12</b>	<b>2</b>
5. Number of FFY 2006 to 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	<b>1</b>	<b>7</b>	<b>2</b>
6. Number of FFY 2006 to 2008 findings <u>not</u> verified as corrected [(4) minus (5)]	<b>0</b>	<b>5</b>	<b>0</b>

\* During the past year, due to a change in staff and a review of past practices against the requirements of the OSEP Memorandum 09-02, CDS/MDOE discovered a need for revising its method of tracking findings of noncompliance. In doing so, all findings of noncompliance, correction of noncompliance, and correspondence for FFYs 2006 forward were compiled into a new tracking system. The move to the revised tracking system resulted in the discovery of a discrepancy in the numbers of findings of noncompliance reported in previous APRs and what can be verified. The numbers in this table reflect the accurate number of findings and corrections, consistent with OSEP Memorandum 09-02.

**Verification of Correction of Noncompliance, Consistent with OSEP Memorandum, 09-02:**

Prior to considering any finding from FFY 2006 to FFY 2008 corrected, CDS State IEU verified that each regional site with noncompliance: (1) was correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) had initiated evaluations and IFSP meeting, although late, for any child whom an evaluations and assessment and initial IFSP meeting did not occur within 45 days, unless the child was no longer within the jurisdiction of the regional CDS site, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

Specifically, to verify that each regional site was correctly implementing the requirements, CDS State IEU reviewed updated data from Case-e, performed on-site file reviews, verified data submitted through regional site self-assessments and compliance reports submitted for each regional site. The time period for which each program was required to demonstrate 100% compliance varied based on the level of noncompliance identified in the program. CDS State IEU also used Case-e to verify that each regional site had initiated services, although late, for any child whose services were not timely. If a service start date was not included in Case-e for each child, the findings was not considered corrected.

In addition to verifying correction according to the OSEP 09-02 Memorandum, CDS State IEU also complied with the requirements to account for all instances of noncompliance identified through its database as well as on-site monitoring and other

monitoring procedures; identify the level, location (regional site), and root cause(s) of all noncompliance; and require any regional site with policies, procedures, or practices that contributed to the noncompliance to revise those policies, procedures, or practices and submit corrective action plans.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:**

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-05.

## Part C State Annual Performance Report (APR) for FFY 2009

### Monitoring Priority: Effective General Supervision Part C / Effective Transition

**Indicator 8: Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:**

- A. IFSPs with transition steps and services;**
- B. Notification to LEA, if child potentially eligible for Part B; and**
- C. Transition conference, if child potentially eligible for Part B.**

(20 U.S.C. 1416(a)(3)(B) and 1442)

<p><b>Measurement:</b></p> <p>A. Percent = [(# of children exiting Part C who have an IFSP with transition steps and services) divided by the (# of children exiting Part C)] times 100.</p> <p>B. Percent = [(# of children exiting Part C and potentially eligible for Part B where notification to the LEA occurred) divided by the (# of children exiting Part C who were potentially eligible for Part B)] times 100.</p> <p>C. Percent = [(# of children exiting Part C and potentially eligible for Part B where the transition conference occurred) divided by the (# of children exiting Part C who were potentially eligible for Part B)] times 100.</p> <p>Account for untimely transition conferences, including reasons for delays.</p>	<p><b>** see further explanation of all measurements below.</b></p> <p>A. 86.6% = [(538 of children exiting Part C who have an IFSP with transition steps and services) divided by the (621 of children exiting Part C)] times 100</p> <p>B. 100% = [(621 of children exiting Part C and potentially eligible for Part B where notification to the LEA occurred) divided by the (621 of children exiting Part C who were potentially eligible for Part B)] times 100.</p> <p>C. 94.8% = [(589 of children exiting Part C and potentially eligible for Part B where the transition conference occurred) divided by the (621 of children exiting Part C who were potentially eligible for Part B)] times 100.</p>
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FFY	Measurable and Rigorous Target for FFY2009		
FFY2009	8A IFSPs with transition steps in services	8B Notification to LEA, if child potentially eligible for Part B	8C Transition conference, if child potentially eligible for Part B
	100%	100%	100%
FFY	Actual Target Data for FFY2009		
FFY2009	8A IFSPs with transition steps in services	8B Notification to LEA, if child potentially eligible for Part B	8C Transition conference, if child potentially eligible for Part B
	86.6%	100%	94.8%

**Additional Information required by the June 3, 2010 OSEP APR Response Table for this indicator:**

Statement from the Response Table	State's Response
<b>Indicators 8A:</b>	
<p>The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the IFSP transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p>	<p>While CDS' data do not demonstrate compliance, they demonstrate progress toward compliance. CDS reports on the correction of noncompliance reported in FFY 2008 in the "Correction of FFYs 2006 to 2008 Findings of Noncompliance" section below.</p>
<p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.148(b)(4) and 303.344(h) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed an IFSP with transition steps and services for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State's Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p>	<p>CDS reports on the verification of correction of noncompliance identified in FFYs 2006 to FFY 2008 consistent with OSEP Memorandum 09-02 in the "Correction of FFYs 2006 to 2008 Findings of Noncompliance" section below.</p>
<p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>	<p>Maine has reviewed and revised, when necessary, its improvement activities for indicator 8a.</p>
<b>Indicator 8C:</b>	
<p>The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the timely transition conference requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)). Because the State reported</p>	<p>While CDS' data do not demonstrate compliance, they demonstrate progress toward compliance. CDS reports on the correction of noncompliance reported in</p>

Statement from the Response Table	State's Response
less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.	FFY 2008 in the "Correction of FFYs 2006 to 2008 Findings of Noncompliance" section below.
If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.	Maine has reviewed and revised, when necessary, its improvement activities for indicator 8c.
The State must demonstrate, in the FFY 2009 APR, that the remaining nine uncorrected noncompliance findings identified in FFY 2007 were corrected.	CDS reports on the correction of noncompliance identified in FFY 2007 in the "Correction of FFYs 2006 to 2008 Findings of Noncompliance" section below.
When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2008 data the State reported for this indicator and the EIS programs with the remaining nine uncorrected noncompliance findings identified in FFY 2007: (1) are correctly implementing 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) have conducted a transition conference, although late, for any child potentially eligible for Part B whose transition conference was not timely, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.	CDS reports on the verification of correction of noncompliance identified in FFYs 2006 to FFY 2008 consistent with OSEP Memorandum 09-02 in the "Correction of FFYs 2006 to 2008 Findings of Noncompliance" section below.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:**

All of the attention and resources focused on transition has lead to improvements in all areas of transition.

8A - IFSPs with transition steps in services have increased to 86.6% from 79% in FFY2008.

8B - Notification to LEA, if child potentially eligible for Part B, has maintained 100% compliance.

8C - Transition conferences, if child potentially eligible for Part B, have increased to 94.8% from 56% in FFY2008.

The transition from Part C to Part B was in the forefront throughout the year in a variety of settings. The importance of this transition was stressed to CDS employees regularly by CDS State IEU staff, the Part C TA as well as a contracted individual who provided technical assistant to each regional site.

The CDS State IEU contracted individual reviewed each site's FFY2008 data in comparison to the statewide FFY2008 data, provided information on the regulations and expectations, reviewed strategies from other regional sites, and identified strategies for each regional site to increase compliance.

As part of the "From File to APR" training, held on April 7, 2010, regional sites came together with teams of Part C and Part B regional site personnel. The day consisted of both instruction and file review. Regional site personnel reviewed their files for completeness and audited other regional sites' files for accuracy. This training was used as education and not for identification of compliance. Feedback from this training was over-all positive. The goal of the work day was to educate regional site personnel on the need for reliable and accurate data. It provided regional site personnel the opportunity to understand how what they do or don't do in their work and files affects others in their position.

Focused monitoring on transition occurred for the 3<sup>rd</sup> consecutive year in all regional sites. Part C and Part B TA will be working together throughout the next year to assist regional sites and Providers on the important of compliance and will continue the work on identifying strategies and barriers to completing this work. Consistent practices throughout the state will be a major goal. In FFY2010 another focused monitoring will occur with an updated focused audit worksheet to ensure the CDS State IEU is receiving information that will assist in identifying compliance as well as training needs. Also, in FFY2010 a training module will be created for regional sites to use in new regional site staff orientation and/or for their own training needs.

The Part C and Part B TA are also reviewing all of the transition documents provided by CDS. In late winter of 2011, new guidance will be distributed to the regional sites. In addition to new guidance letters, there will be a Lunch and Learn session on the new information to allow for questions and answers prior to implementation. As part of CDS' monthly conversations with the OSEP State Contact, a call was dedicated to Part C to B transition specifically.

All regional sites are using the state-required IFSP redesigned by a team of regional site case managers and CDS State IEU. The team spent a great deal of time reviewing and

revising the transition portion of the IFSP. The Part C TA completed a Lunch and Learn on Part C to B transition. In this session she discussed the process and timeline, and asked for feedback from the field. She then met with the Regional Site Directors to discuss their concerns that continue and how to work through some of the barriers. All of the attention and resources focused to transition have provided for improvement in all areas of transition. Although CDS is not yet meeting the target, Part C to B transition is occurring and being documented more consistently throughout each regional site. CDS is pleased to be able to report a significant increase in data reported.

#### 8A. IFSPs with transition steps and services

The data reported for FFY2009 indicate 86.6% of children exiting Part C have IFSPs with transition steps and services. The data reported in FFY2009 show progress compared with the reported FFY2008 of 79%.

In FFY2008 there were no findings of noncompliance identified.

#### Correction of FFYs 2006 to 2008 Findings of Noncompliance:

	FFY 2006	FFY 2007	FFY 2008
1. Number of findings of noncompliance the State made during FFYs 2006 to 2008	0*	4*	0*
2. Number of FFY 2006 to 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the EIS program of the finding)	0	2	0
3. Number of FFY 2006 to 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0	2	0

#### Correction of FFYs 2006 to 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance) and/or Not Corrected:

	FFY 2006	FFY 2007	FFY 2008
4. Number of FFY 2006 to 2008 findings not timely corrected (same as the number from (3) above)	0	2	0
5. Number of FFY 2006 to 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0	0	0
6. Number of FFY 2006 to 2008 findings <u>not</u> verified as corrected [(4) minus (5)]	0	2	0

\* During the past year, due to a change in staff and a review of past practices against the requirements of the OSEP Memorandum 09-02, CDS/MDOE discovered a need for revising its method of tracking findings of noncompliance. In doing so, all findings of noncompliance, correction of noncompliance, and correspondence for FFYs 2006 forward were compiled into a new tracking system. The move to the revised tracking system resulted in the discovery of a discrepancy in the numbers of findings of noncompliance reported in previous APRs and what can be verified. The numbers in this table reflect the accurate number of findings and corrections, consistent with OSEP Memorandum 09-02.

## **Verification of Correction of Noncompliance, Consistent with OSEP Memorandum, 09-02:**

Prior to considering any finding from FFY 2006 to FFY 2008 corrected, CDS State IEU verified that each regional site with noncompliance: (1) was correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) had an IFSP with transition steps and services initiated services, although late, for any child whose IFSP did not include transition steps and services, unless the child was no longer within the jurisdiction of the regional CDS site, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

Specifically, to verify that each regional site was correctly implementing the requirements, CDS State IEU reviewed updated data from Case-e, performed on-site file reviews, verified data submitted through regional site self-assessments and compliance reports submitted for each regional site. The time period for which each program was required to demonstrate 100% compliance varied based on the level of noncompliance identified in the program. CDS State IEU also used Case-e to verify that each regional site had initiated services, although late, for any child whose services were not timely. If a service start date was not included in Case-e for each child, the findings was not considered corrected.

In addition to verifying correction according to the OSEP 09-02 Memorandum, CDS State IEU also complied with the requirements to account for all instances of noncompliance identified through its database as well as on-site monitoring and other monitoring procedures; identify the level, location (regional site), and root cause(s) of all noncompliance; and require any regional site with policies, procedures, or practices that contributed to the noncompliance to revise those policies, procedures, or practices and submit corrective action plans.

### ***8B. Notification to LEA, if child potentially eligible for Part B; and***

CDS provides Part C and Part B services birth to five in Maine and continues to meet 100% compliance for this indicator as the children are served by one agency as they transition from early intervention services to special education services.

### ***8C. Transition conference, if child potentially eligible for Part B.***

The data reported for FFY2009 indicates 94.8% of children exiting Part C had a transition conference if potentially eligible for Part B. The data reported in FFY2009 shows significant progress compared with the reported FFY2008 of 56%.

### **Correction of FFYs 2006 to 2008 Findings of Noncompliance:**

	FFY	FFY	FFY
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	2006	2007	2008
1. Number of findings of noncompliance the State made during FFYs 2006 to 2008	1*	12*	2*
2. Number of FFY 2006 to 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the EIS program of the finding)	0	2	0
3. Number of FFY 2006 to 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	1	10	2

**Correction of FFYs 2006 to 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance) and/or Not Corrected:**

	FFY 2006	FFY 2007	FFY 2008
4. Number of FFY 2006 to 2008 findings not timely corrected (same as the number from (3) above)	1	10	2
5. Number of FFY 2006 to 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0	6	1
6. Number of FFY 2006 to 2008 findings <u>not</u> verified as corrected [(4) minus (5)]	1	4	1

\* During the past year, due to a change in staff and a review of past practices against the requirements of the OSEP Memorandum 09-02, CDS/MDOE discovered a necessity for revising its method of tracking findings of noncompliance. In doing so, all findings of noncompliance, correction of noncompliance and correspondence, for FFYs 2006 forward were compiled into a new tracking system. The move to the revised tracking system resulted in the discovery of a discrepancy in the numbers of findings of noncompliance reported in previous APRs and what can be verified. The numbers in this table reflect the accurate number of findings and corrections, consistent with OSEP Memorandum 09-02.

**Verification of Correction of Noncompliance, Consistent with OSEP Memorandum, 09-02:**

Prior to considering any finding from FFY 2006 to FFY 2008 corrected, CDS State IEU verified that each regional site with noncompliance: (1) was correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) had a transition conference, if potentially eligible for Part B, for any child who was exiting Part C and was potentially eligible for Part B initiated services, although late, for any child whose services were not initiated in a timely manner, unless the child was no longer within the jurisdiction of the regional CDS site, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

Specifically, to verify that each regional site was correctly implementing the requirements, CDS State IEU reviewed updated data from Case-e, performed on-site file reviews, verified data submitted through regional site self-assessments and compliance reports submitted for each regional site. The time period for which each program was required to demonstrate 100% compliance varied based on the level of noncompliance identified in the program. CDS State IEU also used Case-e to verify that each regional site had initiated services, although late, for any child whose services

were not timely. If a service start date was not included in Case-e for each child, the findings was not considered corrected.

In addition to verifying correction according to the OSEP 09-02 Memorandum, CDS State IEU also complied with the requirements to account for all instances of noncompliance identified through its database as well as on-site monitoring and other monitoring procedures; identify the level, location (regional site), and root cause(s) of all noncompliance; and require any regional site with policies, procedures, or practices that contributed to the noncompliance to revise those policies, procedures, or practices and submit corrective action plans.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:**

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-05.

## Part C State Annual Performance Report (APR) for FFY 2009

### Monitoring Priority: Effective General Supervision Part C / General Supervision

**Indicator 9: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.**

(20 U.S.C. 1416(a)(3)(B) and 1442)

#### Measurement:

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

States are required to use the "Indicator 9 Worksheet" to report data for this indicator (included below).

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>FFY2009</b>	<b>100%</b>
<b>FFY</b>	<b>Actual Target Data for FFY2009</b>
<b>FFY2009</b>	<b>0%</b>

Additional Information required by the June 3, 2010 OSEP APR Response Table for this indicator:

Statement from the Response Table	State's Response
The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2009 APR demonstrating that the State timely corrected noncompliance identified in FFY 2008 in accordance with IDEA section 635(a)(10)(A), 34 CFR §303.501, and OSEP Memo 09-02.	GSST and the stakeholders group have reviewed and revised, if appropriate, it's improvement activities for indicator 9.
In reporting on correction of noncompliance in the FFY 2009 APR, the State must report that it verified that each EIS program with noncompliance identified in FFY 2008: (1) is	CDS reports on the verification of correction of noncompliance identified in FFYs 2006 to FFY 2008 consistent with OSEP

Statement from the Response Table	State's Response
correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.	Memorandum 09-02 in the "Correction of FFYs 2006 to 2008 Findings of Noncompliance" section below.
The State must also demonstrate, in the FFY 2009 APR, that the 42 remaining findings of noncompliance identified in FFY 2007 that were not reported as corrected in the FFY 2008 APR were corrected. Further, the State must demonstrate, in the FFY 2009 APR, that the seven remaining findings of noncompliance identified prior to FFY 2006 that were not reported as corrected in the FFY 2008 APR were corrected. The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2009 APR, that it has corrected this noncompliance.	CDS reports on the correction of noncompliance identified in FFYs 2006-2008 in the "Correction of FFYs 2006 to 2008 Findings of Noncompliance" section below.
In addition, in reporting on indicator 9 in the FFY 2009 APR, the State must use the indicator 9 Worksheet.	Indicator 9 worksheet used below.
In responding to indicators 1, 7, 8A, and 8C in the FFY 2009 APR, the State must report on correction of the noncompliance described in this table under those indicators.	Correction of noncompliance for indicators 1, 7, 8A and 8C are described in the tables and narrative of those indicators in this APR.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:**

CDS did not meet the target of 100% for this indicator. CDS revised its general supervision system, as described below. During the past year, due to a change in staff and a review of past practices against the requirements of the OSEP Memorandum 09-02, CDS discovered a necessity for revising its method of tracking findings of noncompliance. In doing so, all findings of noncompliance, correction of noncompliance

and correspondence, for FFYs 2006 forward were compiled into a new tracking system. The move to the revised tracking system resulted in the discovery of a discrepancy in the numbers of findings of noncompliance reported in previous APRs and what could be verified. The numbers reported in the Indicator 9 Worksheet reflect the accurate number of findings and corrections, consistent with OSEP Memorandum 09-02.

CDS's efforts to correctly track findings of noncompliance, make findings of noncompliance in accordance with OSEP Memorandum 09-02 and other guidance, and verify correction of findings of noncompliance in accordance with OSEP Memorandum 09-02 have resulted in a system that is much more reliable. However, CDS's efforts to revise its system and comply with OSEP requirements resulted in no timely correction of FFY 2008 findings. CDS is continuing to verify correction of findings made in FFY 2006 to FFY 2008 and anticipates that its revised system will result in its ability to verify correction timely within the next reporting period. Nine of 18 findings (50%) identified in FFY 2008 have been corrected as of the APR submission.

In FFY2007, the CDS State IEU, with technical assistance from NERRC, developed a pilot birth to five General Supervision System that referenced and built upon the general supervision system "Big 8" developed by OSEP. The system was developed based on a crosswalk with all facets of the "Big 8"

(<http://www.maine.gov/education/speced/cds/supervision/documents/Big8Summary.doc>) and current CDS State IEU infrastructure and practices.

The system established a mechanism to define the requirements of general supervision, an annual performance determination for each regional site on the Part C indicators, a regional site self-assessment process for each regional site, and the structure and support available from the CDS State IEU. The regional sites, regional boards, CDS State Level Advisory Board and the State Advisory Council supported the system. The CDS State IEU Director, Part C/619 Policy Manager and the Data Distinguished Educator provided numerous trainings and technical assistance to the above groups and individuals during that year.

In FFY2008, the CDS State IEU worked with members of the K-20 Special Services Team to merge the Birth to Five GSST with the former 5 to 20 Continues Improvement and Monitoring Program (CIMP). The new B-20 General Supervision System Team was created in the summer of 2009 to respond to the federal OSEP determination letters for Part C and Part B as well as correlation with OSEP's CrEAG.

The B-20 GSST team has a core group made up of the following positions:

- CDS State IEU Director (also the GSST Team Leader)
- MDOE Special Services Team Leader
- Federal Program Coordinator
- CDS State IEU Data Manager
- CDS Part C/619 Policy Manager
- Data Distinguished Educator
- Part B Data Manager

This core group has weekly scheduled meetings. In addition, this group involves other individuals throughout MDOE and Special Services as needed to discuss all aspects of the GSST.

**The current B-20 GSST is responsible for, and oversees, the management and oversight of:**

- Development and implementation of a revised data driven monitoring system
- Department level transition from the old monitoring system to the new system
- Successful utilization of the new system 2009/2010
- Assessment of the revised system for use in 2010/2011
- Training to B-20 SAUs regarding the system
- Revision to the annual determination process for all B-20 SAUs
- Creation of data partnership with special administrators in the field to assure timely and accurate data reporting
- Data analysis to determine trends and issues that require future training statewide or locally
- Input into changes in the Local Entitlement Applications for CDS and for all SAUs
- Consistent communication with the all B-20 SAUs in the field
- Preparation of Administrative and/or Informational Letters from the Commissioner of Education (<http://www.maine.gov/education/edletrs/index.shtml>)
- Revision to applicable policies, procedures and forms (<http://www.maine.gov/education/speced/gsst/index.html>)
- Utilization of OSEP calendar for planning, timelines, annual program reporting

**Some Key Next Steps:**

- Institutionalization of processes for MDOE/CDS use
- Alignment of appropriate Special Services Team personnel with the system
- Long term analysis of data to determine technical assistance needs of the B-20 SAUs
- Determine targeted funding for GSST work
- Effective access to targeted Department data
- Further refinement of Local Entitlement (B-20) processes including utilization of federal funds to support changes at the B-20 local level in alignment with the SPP/APR
- Provision of training to the field by Department staff regarding systemic issues and concerns articulated by the GSST process

Additional information regarding the GSST can be found at the following link

<http://www.maine.gov/education/speced/gsst/index.html>

**CDS Part C FFY2009 implementation of the B-20 GSST:**

- Regional site monitoring of all 15 regional sites utilizing a redesigned Letter of Finding template ([http://www.maine.gov/education/speced/cds/monitoring/documents/template\\_amendedLOF.doc](http://www.maine.gov/education/speced/cds/monitoring/documents/template_amendedLOF.doc))

- Utilization of a CAP template for all 15 regional sites  
([http://www.maine.gov/education/speced/gsst/documents/cap\\_final.doc](http://www.maine.gov/education/speced/gsst/documents/cap_final.doc))
- 15 regional sites submitted to the CDS State IEU, a self-assessment plan which included data collection and comparison, internal audit, in depth indicator self-assessments and promising practices  
([http://www.maine.gov/education/speced/cds/supervision/sec\\_3\\_selfassess.html](http://www.maine.gov/education/speced/cds/supervision/sec_3_selfassess.html))
- Utilization of ARRA funds by the CDS State IEU to support a 0.60 FTE position for a Part C TA who worked with regional sites to establish evidence based early intervention teams to implement consistent practice and to and improve timeline compliance. This position was increased to one FTE as of July 1, 2010
- Utilization of ARRA funding to support contracted assistance for professional development in evidence based early intervention and timeline compliance
- The weekly Lunch and Learn schedule was reconfigured to support one session monthly to focus on Part C only
- Discussions at monthly Regional Site Director Council meetings focused on valid and reliable data, indicator understanding, and compliance
- April 7, 2010 training “From File to APR”  
(<http://www.maine.gov/education/speced/cds/training/documents/FromFILEtoAPRFINAL2.ppt>)
- Policy Letters (<http://www.maine.gov/education/speced/cds/adminlett.html>)
  - Administrative Letter #20: Part C and Part B Timeline Compliance
  - Administrative Letter #21: Amendment to Administrative Letter #20, Part C and Part B Timeline Compliance Activities, regarding September 1, 2009 due date
  - Informational Letter #2: CDS State IEU Follow up to Informational Letter #51; Regarding School Administrative Unit (SAU, including CDS regional sites): Results from Profile Data under IDEA SPP Determinations
- On-site training for Part C indicators
- Reorganization of 15 regional sites to nine resulted in assignment of outstanding findings and/or determination issues to the newly reconfigured regional sites  
([http://www.maine.gov/education/speced/cds/monitoring/documents/template\\_amendedLOF.doc](http://www.maine.gov/education/speced/cds/monitoring/documents/template_amendedLOF.doc))

Indicator/Indicator Clusters	General Supervision System Components	# of EIS Programs Issued Findings in FFY 2008 (7/1/08 through 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 through 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	3	0
	Dispute Resolution: Complaints, Hearings			
2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	5	5	0
	Dispute Resolution: Complaints, Hearings			
3. Percent of infants and toddlers with IFSPs who demonstrate improved outcomes	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	0
	Dispute Resolution: Complaints, Hearings			
4. Percent of families participating in Part C who report that early intervention services have helped the family	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			



	Dispute Resolution: Complaints, Hearings			
5. Percent of infants and toddlers birth to 1 with IFSPs	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
6. Percent of infants and toddlers birth to 3 with IFSPs	Dispute Resolution: Complaints, Hearings			
7. Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	2	0
	Dispute Resolution: Complaints, Hearings			
8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
A. IFSPs with transition steps and services;	Dispute Resolution: Complaints, Hearings			
8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
B. Notification to LEA, if child potentially eligible for Part B; and	Dispute Resolution: Complaints, Hearings			

8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	2	0
C. Transition conference, if child potentially eligible for Part B.	Dispute Resolution: Complaints, Hearings			
OTHER AREAS OF NONCOMPLIANCE:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	5	5	0
	Dispute Resolution: Complaints, Hearings			
OTHER AREAS OF NONCOMPLIANCE:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
OTHER AREAS OF NONCOMPLIANCE:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
Sum the numbers down Column a and Column b			18	0
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	0.00%

**Correction of FFYs 2006 to 2008 Findings of Noncompliance:**

	FFY 2006	FFY 2007	FFY 2008
1. Number of findings of noncompliance the State made during FFYs 2006 to 2008	14*	142*	18*
2. Number of FFY 2006 to 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the EIS program of the finding)	2	94	0
3. Number of FFY 2006 to 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	12	48	18

**Correction of FFYs 2006 to 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance) and/or Not Corrected:**

	FFY 2006	FFY 2007	FFY 2008
4. Number of FFY 2006 to 2008 findings not timely corrected (same as the number from (3) above)	12	48	18
5. Number of FFY 2006 to 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	11	25	9
6. Number of FFY 2006 to 2008 findings <u>not</u> verified as corrected [(4) minus (5)]	1	23	9

\* During the past year, due to a change in staff and a review of past practices against the requirements of the OSEP Memorandum 09-02, CDS/MDOE discovered a need for revising its method of tracking findings of noncompliance. In doing so, all findings of noncompliance, correction of noncompliance and correspondence, for FFYs 2006 forward were compiled into a new tracking system. The move to the revised tracking system resulted in the discovery of a discrepancy in the numbers of findings of noncompliance reported in previous APRs and what can be verified. The numbers in this table reflect the accurate number of findings and corrections, consistent with OSEP Memorandum 09-02.

FFY2009 was a year of transition for the CDS system. In this year many changes occurred at the CDS State IEU level and the regional site level. On July 1, 2009 the Distinguished Educator responsible for monitoring returned to her SAU. This represented the third transition of monitoring staff at the state level in five years. The transition of staff involved in the monitoring process has both strengthened and challenged the system. A challenge that has been solved was the lack of consistent tracking of areas of noncompliance when identified or/and corrected. Another challenge faced was the lack of consistent language used to identify the areas of noncompliance. In the spring of 2010, the Data Distinguished Educator and the Part C/ 619 Policy Manager began developing a tracking mechanism for the status of all findings identified which provides for a stronger system. This work is ongoing. In the fall of 2010, select GSST team members compiled all findings identified and corrected since February of 2007 (FFY2006 reported in FFY2007 APR).

The transition into the B-20 GSST provided an opportunity for all of the SAUs throughout the State to align to the same monitoring timeline. In this first year of a consistent timeline, all SAUs were notified of their identified areas of noncompliance and correction in June 2009. This delayed the CDS regional sites letters of notification of correction one day over their year to correct their areas noncompliance. Of the 18 identified findings made in FFY2008, two were corrected one day past the year in which correction needed to be made. Of the remaining 16, seven were subsequently verified as corrected.

Other transitions that have provided challenges to the correction of noncompliance within the year required were the combining of two regional sites into one regional site, which made 15 regional CDS sites in the State in July 2009. In October of 2009, the CDS State IEU was directed to make changes to its system to respond to a budget crisis in the State. The CDS State IEU quickly formed a group of CDS State IEU staff, regional staff, and regional board members to look at the CDS system and provide recommendations to the CDS State IEU Director and MDOE Education Commissioner. One of the recommendations was to consolidate the CDS system. The group recommended that the state move from 15 regional locations to nine. As with any change, regional CDS Directors, staff and providers had difficulty prioritizing the needs of their work. The current CDS monitoring staff feels this has negatively impacted the results in the correction of noncompliance. Out of the 33 remaining findings of noncompliance not corrected (for FFY2006, FFY2007 and FFY2008) 16 (48%) fall within the jurisdiction of the regional sites that were determined to close as of June 30, 2010. After consulting with OSEP, the newly reconfigured regional sites were notified that all remaining areas of noncompliance from the closed regional sites became their responsibility to correct. The status of these areas of noncompliance will be monitored in spring of 2011.

In the spring of 2010 (FFY2009), the CDS State IEU provided more specific training to Regional Site Directors and site teams regarding OSEP Memo 09-02. Throughout the year the CDS State IEU personnel consistently shared information gained through national conferences, webinars, and technical assistance with Regional Site Directors on indicators and GSST requirements. Representatives from the CDS State IEU explained the GSST, Letters of Findings, data, CAPs, and the prongs of OSEP Memo 09-02 to Regional Site Directors and regional site staff.

The CDS system is affecting positive change as indicated by the improved data from FFY2007 and FFY2008. CDS is knowledgeable about each regional site and its barriers to make the required changes. The CDS system has a team with a greater depth of knowledge and experience with GSST. Regional Site Directors now request that CDS State IEU personnel assist in training and technical assistance with their regional staff. It is clear there is increased ownership for indicator growth at each regional site.

#### FFY2010 GSST timeline:

When	What	Who
September 15	SAUs Notified of Monitoring Involvement	DOE-GSST

October 27	Annual Focused Monitoring Notification of Instruction (1/6th)	DOE-GSST
November 3 & 4	Webinars (Annual Focused Monitoring)	DOE-GSST SAU
November 5	Data Collection Begins	SAU
December 15 - 30	Data due to DOE	SAU
January 1- February 15	Review and Verification of Data	DOE-GSST
March 1	Letters of Findings(LOF)/Notification of Noncompliance	DOE-GSST
April 15	LOF Corrective Action Plan (CAP) due to DOE	SAU
May 15	Notification of LOF CAP Approval	DOE-GSST
June 1	CDS Local Entitlement Due	SAU (CDS only)
September 15	5-20 Local Entitlement Due	SAU (5-20 only)

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:**

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-05.

## Part C State Annual Performance Report (APR) for FFY 2009

### Monitoring Priority: Effective General Supervision Part C / General Supervision

**Indicator 10: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.**

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100 =  $[(1+0)/1]*100 = 100$

**Table 4, Section A**

SECTION A: Written, Signed Complaints	
(1) Total number of written, signed complaints filed	1
(1.1) Complaints with reports issued	1
(a) Reports with findings of noncompliance	0
(b) Reports within timeline	1
(c) Reports within extended timelines	0
(1.2) Complaints pending	0
(a) Complaints pending a due process hearing	0
(1.3) Complaints withdrawn or dismissed	0

FFY	Measurable and Rigorous Target
FFY2009	100% of signed written complaints with reports issued were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint
FFY	Actual Target Data for FFY2009
FFY2009	100% of signed written complaints with reports issued were resolved within 60-day timeline or a timeline extended for exceptional circumstances

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:**

This measure met the target. 100 percent of signed written complaints with reports issued were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. One complaint with reports issued was resolved within timelines without extension. No cases were extended due to exceptional circumstances.

As had been planned in the State Performance Plan, the Due Process Office (DPO) and the stakeholder group review cases monthly for closure timelines and consideration of support requirements. The State Performance Plan stakeholder group reviews case summaries and outcomes with members of the DPO to discuss procedural safeguards, support requirements, and opportunities for systemic improvement. The summaries are also posted on the website (<http://www.state.me.us/education/speced/dueprocess/2009Complaints.html>) in redacted form for parents and others in the public to review. Data reports of case progress and follow-up actions are produced interactively by DPO personnel using the case management database for use in their daily activities and in their presentations to stakeholder and interested parties. All of these activities have combined to heighten awareness of the timeline requirement and have improved case management through appropriate visibility and review.

Complaint investigation reports, procedures, policies and forms are available electronically on the due process website:

<http://www.state.me.us/education/speced/dueprocess/index.htm>

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:**

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-05.

## Part C State Annual Performance Report (APR) for FFY 2009

### Monitoring Priority: Effective General Supervision Part C / General Supervision

**Indicator 11: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.**

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent =  $[(3.2(a) + 3.2(b)) \text{ divided by } 3.2] \text{ times } 100 = [(0+0)/0]*100 = \text{No hearing requests}$

**Table 4, Section C**

SECTION C: Due Process Complaints	
(3) Total number of <b>due process complaints</b> filed (for all States)	0
(3.1) Resolution meetings (applicable ONLY for States using Part B due process hearing procedures)	0
(a) Written settlement agreements reached through resolution meetings	0
(3.2) Hearings fully adjudicated (for all States) –	0
(a) Complete EITHER item (1) <u>OR</u> item (2), below, as applicable.	
(1) Decisions within timeline – <u>Part C</u> Procedures	-9
(2) Decisions within timeline – <u>Part B</u> Procedures	0
(b) Decisions within extended timeline (applicable ONLY if using Part B due process hearing procedures)	0
(3.3) Hearing pending (for all States)	0
(3.4) Due process complaint withdrawn or dismissed (including resolved without a hearing)(for all States)	0

FFY	Measurable and Rigorous Target
FFY2009	100% of fully adjudicated due process hearing requests will be fully adjudicated within the applicable timeline
FFY	Actual Target Data for FFY2009
FFY2009	No data to report

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:**

No cases were initiated, so result could not be calculated.

Hearing reports, policies and forms are available electronically on the due process website: <http://www.state.me.us/education/spced/dueprocess/index.htm>



**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:**

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-05.

## Part C State Annual Performance Report (APR) for FFY 2009

### Monitoring Priority: Effective General Supervision Part C / General Supervision

**Indicator 12: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted).**

(20 U.S.C. 1416(a)(3)(B) and 1442)

#### Measurement:

Percent = (3.1(a) divided by 3.1) times 100 =  $[(0+0)/0]*100$  = No resolution sessions

**Table 4, Section C**

SECTION C: Due Process Complaints	
(3) Total number of <b>due process complaints</b> filed (for all States)	0
(3.1) Resolution meetings (applicable ONLY for States using Part B due process hearing procedures)	0
(a) Written settlement agreements reached through resolution meetings	0
(3.2) Hearings fully adjudicated (for all States) –	0
(a) Complete EITHER item (1) <u>OR</u> item (2), below, as applicable.	
(1) Decisions within timeline – <u>Part C</u> Procedures	-9
(2) Decisions within timeline – <u>Part B</u> Procedures	0
(b) Decisions within extended timeline (applicable ONLY if using Part B due process hearing procedures)	0
(3.3) Hearing pending (for all States)	0
(3.4) Due process complaint withdrawn or dismissed (including resolved without a hearing)(for all States)	0

FFY	Measurable and Rigorous Target
FFY2009	0% of resolution sessions will result in settlement agreements
FFY	Actual Target Data for FFY2009
FFY2009	No data to report

#### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

No cases were initiated, so result could not be calculated.

The Due Process Office produced “Resolution Sessions, A Guide for Parents and Educators” to help parents and educators better understand the resolution session

as one of the ways to resolve special education disputes. The handbook will be provided to individuals requesting a due process hearing.

Resolution session document and forms are available electronically on the due process website: <http://www.state.me.us/education/speced/dueprocess/index.htm>

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:**

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-05.

## Part C State Annual Performance Report (APR) for FFY 2009

### Monitoring Priority: Effective General Supervision Part C / General Supervision

#### Indicator 13: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B) and 1442)

##### Measurement:

Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100 =  $[(0+0)/0]*100$  = No mediations held

Table 4, Section B

SECTION B: Mediation Requests	
(2) Total number of mediation requests received	1
(2.1) Mediations held	0
(a) Mediations held related to due process complaints	0
(i) Mediation agreements related to due process complaints	0
(b) Mediations held not related to due process complaints	0
(i) Mediation agreements not related to due process complaints	0
(2.2) Mediations pending	0
(2.3) Mediations not held	1

FFY	Measurable and Rigorous Target
FFY2009	80% of mediations held that resulted in mediation agreements
FFY	Actual Target Data for FFY2009
FFY2009	No data to report

#### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

No data to report; the one mediation requested was not held; the requestor declined to mediate.

When a dispute resolution request is received for a complaint investigation, hearing or expedited hearing, and the initiating party has indicated an unwillingness to participate in mediation, Due Process Office staff follow up with the initiating party to discuss the benefits of mediation. Information is provided on the difference between mediation and an IEP meeting, the expertise, knowledge and objectivity of the mediators on the DPO roster and the wide scope of issues that can be mediated,

and the constructive/positive effect participation in mediation can have on the communication between the parties.

A mediation handbook is available electronically on the due process website:  
<http://www.state.me.us/education/speced/dueprocess/index.htm>

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:**

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-05.

## Part C State Annual Performance Report (APR) for FFY 2009

### Monitoring Priority: Effective General Supervision Part C / General Supervision

**Indicator 14: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.**

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

State reported data, including 618 data, State performance plan, and annual performance reports, are:

- Submitted on or before due dates (February 1 for child count and settings and November 1 for exiting and dispute resolution); and
- Accurate, including covering the correct year and following the correct measurement.

States are required to use the "Indicator 14 Data Rubric" for reporting data for this indicator (see Attachment B).

FFY	Measurable and Rigorous Target
FFY2009	100% of data submitted will be on time and accurate
FFY	Actual Target Data for FFY2009
FFY2009	100% (see rubric, next pages)

**Additional Information required by the June 3, 2010 OSEP APR Response Table for this indicator:**

Statement from the Response Table	State's Response
In reporting on indicator 14 in the FFY 2009 APR, the State must use the indicator 14 Data Rubric.	Indicator 14 rubric is used below.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:**

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2009:**

Targets and improvement activities were revised for the Federal Fiscal Years 2011 and 2012 as required by OSEP memorandum 11-05.

## Part C Indicator 14 Data Rubric

Indicator 14 - SPP/APR Data			
APR Indicator	Valid and reliable	Correct calculation	Total
1	1	1	2
2	1	1	2
3	1	1	2
4	1	1	2
5	1	1	2
6	1	1	2
7	1	1	2
8A	1	1	2
8B	1	1	2
8C	1	1	2
9	1	1	2
10	1	1	2
11	1	1	2
12	1	1	2
13	1	1	2
		<b>Subtotal</b>	30
<b>APR Score Calculation</b>	<b>Timely Submission Points -</b> If the FFY 2009 APR was submitted on-time, place the number 5 in the cell on the right.		5
	<b>Grand Total</b> – (Sum of subtotal and Timely Submission Points) =		35

618 Data – Indicator 14					
Table	Timely	Complete Data	Passed Edit Check	Responded to Date Note Requests	Total
Table 1 – Child Count Due Date: 2/1/10	1	1	1	1	4
Table 2 – Program Settings Due Date: 2/1/10	1	1	1	1	4
Table 3 – Exiting Due Date: 11/1/10	1	1	1	N/A	3
Table 4 – Dispute Resolution Due Date: 11/1/10	1	1	1	N/A	3
				<b>Subtotal</b>	14
<b>618 Score Calculation</b>			<b>Grand Total</b> (subtotal x 2.5)		35

Indicator #14 Calculation	
A. APR Grand Total	35.00
B. 618 Grand Total	35.00
C. APR Grand Total (A) + 618 Grand Total (B) =	70.00
Total N/A in APR	0.00
Total N/A in 618	0.00
<b>Base</b>	<b>70.00</b>
D. Subtotal (C divided by Base*) =	1.000
E. Indicator Score (Subtotal D x 100) =	100.0